

SENATE BILL No. 515

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-17-2-16; IC 31-34.

Synopsis: Court appointed special advocates. Adds court appointed special advocates (CASA) to the list of individuals who may: (1) petition a court to order a custodian to obtain counseling for a child; (2) petition a juvenile court to modify a dispositional decree; and (3) receive a notice of an initial hearing concerning a children in need of services (CHINS) petition. Permits the county office of family and children to request that a juvenile court appoint a CASA for a child. Provides that a court may make certain CHINS reports available to a CASA.

Effective: July 1, 2005.

Broden

January 18, 2005, read first time and referred to Committee on Judiciary.

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First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

SENATE BILL No. 515

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 31-17-2-16 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 16. Upon:

- 3 (1) the court's own motion;
4 (2) the motion of a party;
5 (3) the motion of the child; ~~or~~
6 (4) the motion of the child's guardian ad litem; **or**

7 **(5) the motion of the court appointed special advocate;**
8 the court may order the custodian or the joint custodians to obtain
9 counseling for the child under such terms and conditions as the court
10 considers appropriate.

11 SECTION 2. IC 31-34-2.5-4 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. Whenever a child is
13 taken into custody without a court order under this chapter, the attorney
14 for the county office of family and children shall, without unnecessary
15 delay, request the juvenile court to:

- 16 (1) authorize the filing of a petition alleging that the child is a
17 child in need of services;



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(2) hold an initial hearing under IC 31-34-10 not later than the next business day after the child is taken into custody; and

(3) appoint a guardian ad litem **or a court appointed special advocate** for the child.

SECTION 3. IC 31-34-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) The juvenile court shall hold an initial hearing on each petition.

(b) The juvenile court shall set a time for the initial hearing. A summons shall be issued for the following:

(1) The child.

(2) The child's parent, guardian, custodian, ~~or~~ guardian ad litem, **or court appointed special advocate**.

(3) Any other person necessary for the proceedings.

(c) A copy of the petition must accompany each summons. The clerk shall issue the summons under Rule 4 of the Indiana Rules of Trial Procedure.

SECTION 4. IC 31-34-22-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) Except as provided in subsection (b), a report prepared by the state:

(1) for the juvenile court's review of the court's dispositional decree; or

(2) prepared for use at a periodic case review under IC 31-34-21-2 or hearing under IC 31-34-21-7;

shall be made available to the child and the child's parent, guardian, guardian ad litem, **court appointed special advocate**, or custodian within a reasonable time after the report's presentation to the court or before the hearing.

(b) If the court determines on the record that the report contains information that should not be released to the child or the child's parent, guardian, or custodian, the court shall provide a copy of the report to the following:

(1) Each attorney or guardian ad litem representing the child.

(2) Each attorney representing the child's parent, guardian, or custodian.

(3) Each court appointed special advocate.

(c) The court may also provide a factual summary of the report to the child or the child's parent, guardian, or custodian.

(d) In addition to the requirements of subsection (a), any report prepared by the state for the juvenile court's review shall also be made available to any court appointed special advocate within the same time period and in the same manner as required in the case of a parent under subsection (a). However, if under subsection (a) the court determines

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on the record that the report contains information that should not be released to the parent, the court shall still provide a copy of the report to any court appointed special advocate.

SECTION 5. IC 31-34-23-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. While the juvenile court retains jurisdiction under IC 31-30-2, the juvenile court may modify any dispositional decree:

- (1) upon the juvenile court's own motion;
- (2) upon the motion of:
 - (A) the child;
 - (B) the child's:
 - (i) parent;
 - (ii) guardian;
 - (iii) custodian;
 - (iv) **court appointed special advocate**; or
 - (v) guardian ad litem;
 - (C) the probation officer;
 - (D) the caseworker;
 - (E) the prosecuting attorney; or
 - (F) the attorney for the county office of family and children; or
- (3) upon the motion of any person providing services to the child or to the child's parent, guardian, or custodian under a decree of the court.

SECTION 6. IC 31-34-23-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. If a hearing is required, IC 31-34-18 governs the preparation and use of a modification report. The report shall be prepared if the state or any person other than the child or the child's parent, guardian, guardian ad litem, **court appointed special advocate**, or custodian is requesting the modification.

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